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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,000	02/13/2002	Hiroshi Yamamoto	SCEI 3.0-118	7154

530 7590 09/02/2005  
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EXAMINER
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SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/075,000

Applicant(s)

YAMAMOTO ET AL.

Examiner

Matthew J. Sked

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8, 9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 9, 11-14, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 15-17 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The objection to the specification is maintained due to the failure of the Applicant to submit a more descriptive title.
2. Applicant's arguments with respect to claims 6 and 8 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the amendment.
3. Claims 1, 7, 9 and 10 have been cancelled.
4. Claims 11-19 have been newly added.

### ***Election/Restriction***

5. Newly submitted claims 15-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 15-17 are directed to patentably distinct species of the claimed invention. Specifically claim 15 is directed towards patentably distinct species described in Figures 3-6, claim 16 is directed towards a patentably distinct species described in Figure 8 and claim 17 is directed towards a patentably distinct species described in Figure 9. None of these species were claimed in the original presentation hence creating undue burden on the Examiner.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-17 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Luther (U.S. Pat. 5,555,343).

As per claim 6, Luther teaches a method for processing information including character data, comprising:

extracting from the character data at least one of a prescribed character code, a prescribed word; and a prescribed phrase or punctuation as prescribed information

Art Unit: 2655

(extracts non-spoken characters from the text, these characters are both codes and punctuation, col. 6, line 47 to col. 7, line 4 and Fig. 4(a)-(d));

converting the character data to speech information (text to speech converter, col. 3, lines 55-62); and

subjecting the character data or speech information to prescribed processing based on the extracted prescribed information, wherein the prescribed processing is one of: dependent upon the meaning of the prescribed information; adding, modifying or appending a word to the character data and controlling processing of an ending word in dependence upon the prescribed information (modifies the character data to convert the file format character into a text equivalent for synthesis, col. 7, lines 23-45).

9. Claims 2-4 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Dietz (U.S. Pat. 6,175,820).

As per claims 11-14, Dietz teaches a method, apparatus, a computer-readable medium with a recorded and executed program and a computer containing a program for processing speech information of a speaker comprising:

accessing voiceprint information relating to a voiceprint of speech information (uses predefined normal volume and tempo levels which are information relating to the voiceprint of speech information, col. 7, lines 1-25);

identifying a characteristic of the speaker based upon the voiceprint information (accesses the dynamics of the speech relative to the predefined normal volume and tempo levels, col. 7, lines 1-25);

generating a control command in dependence upon the characteristic of the speaker (produces a command to mark up the text based upon the relative dynamics of the speech, col. 7, lines 26-48);

converting the speech information to character data (creates a text file from the speech, col. 7, lines 1-25); and

subjecting the character data to predetermined processing in dependence upon the control command (marks up the text based upon the relative dynamics of the speech, col. 7, lines 26-48).

10. As per claim 2, Dietz teaches the predetermined processing changes a character form of the character data (marked up text involves bolding, hyphenation and italics, col. 7, lines 26-48).

11. As per claims 3, Dietz teaches the predetermined processing changes a control code of the speech information (performs multiple tasks hence each task would inherently have a different control code that would be changed depending upon the dynamics of the speech, col. 7, lines 26-48).

12. As per claim 4, Dietz teaches the identified characteristic is emotion (determines the tempo, volume and rate of the speech which are the characteristics of emotion in speech, col. 5, lines 42-50).

13. Claims 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoory et al. (U.S. Pat. 6,785,649).

As per claim 18, Hoory teaches an information transmission method comprising:

a first information processing process comprising the steps of capturing input speech information, changing the input speech information to character data; and sending the character data to a network (receives speech and converts it to text and transmits this text, col. 5, lines 29-56); and

a second information processing process comprising the steps of receiving character data via the network, and changing the character data to speech information (device receives the text and synthesizes this text back to speech, col. 5, lines 40-56).

14. As per claim 19, Hoory teaches outputting the received character data and the input speech information changed to character data (outputs the text to a printer, col. 5, lines 53-56).

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz in view of Hoory.

Dietz does not teach sending the character data processed by the predetermined processing to a network.

Hoory teaches transmitting expressive text to another device (col. 5, lines 40-56).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Dietz to send the character data to a network as taught by Hoory because it would allow distant users to view the text.

17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoory in view of Boss et al. (U.S. Pat. 5,933,805).

Hoory teaches an information transmission system, comprising:

a first information processing apparatus, which captures input information, extracts information expressing a characteristic of the input information (determines word rate, volume and pitch, Fig. 2, elements 34, 36, and 38);

changes the input information to character data (converts speech to text, Fig. 2, element 32);

subjects the character data to prescribed processing based on the information expressing the characteristic (speech characteristics are mapped to text format characteristics and associated with the generated text, col. 6, lines 34-37);

sends the character data subjected to the prescribed processing to a network (encodes the expressive text and transmits it to a receiver, col. 5, lines 40-47);

a second information processing apparatus, which receives character data via the network, extracts prescribed information from the character data (receiver decodes marked-up text as expressive text and uses the non-verbal characteristics in synthesis hence extracting them, col. 5, lines 44-53);

changes the character data to other information (converts expressive text back to speech, col. 5, lines 50-53), and

subjects the character data or other information to prescribed processing based on the extracted prescribed information (synthesizes the speech from text using the non-verbal characteristics, col. 5, lines 50-53).

Hoory teaches that the pitch can be determined using any known algorithm in the art but does not specifically teach accessing voiceprint information relating to a voiceprint of speech information to identify a characteristic of a speaker.

Boss teaches determining the pitch of the user by using a stored voice font (col. 6, lines 21-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Hoory to access voiceprint information relating to a voiceprint of a speech information to identify a characteristic of a speaker as taught by Boss because using reference information in this determination would require less processing time than calculating this information from the input.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyatake et al. (U.S. Pat. 5,842,167) teaches synthesizing speech with emotion based upon the contents of the text. Spies (U.S. Pat. 6,035,273) teaches a speech-to-text/text-to-speech network communication system.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
**SUSAN MCFADDEN**  
**PRIMARY EXAMINER**

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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